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ORDINANCE: 05-06

**AN ORDINANCE ESTABLISHING THE LIBERTY COUNTY
DISORDERLY CONDUCT ORDINANCE; PROVIDING
DEFINITIONS; PROVIDING OFFENSES ; PROVIDING PENALTIES;
PROVIDING AN EXEMPTION; ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the population of Liberty County is growing; and

WHEREAS, the need has arisen to establish specific guidelines as to what constitutes disorderly conduct; and

WHEREAS, it is in the best interests of Liberty County to discourage disorderly conduct and to prosecute disorderly conduct offenses; and

**THEREFORE, BE IT ORDAINED BY THE LIBERTY COUNTY
COMMISSIONERS AS FOLLOWS:**

- (1) Short title of section.** This section may be referred to as the "Liberty County Disorderly Conduct Ordinance."
- (2) Definitions.** The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Incite a riot means, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief not involving advocacy of any act of violence or assertion of the rightness of or the right to commit any such act.

Public place means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

Riot means a public disturbance involving:

- (a) An act of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or
- (b) A threat of the commission of an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat, where the

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performance of the threatened act of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

(3) Acts deemed disorderly conduct. Within the unincorporated areas of Liberty County, Florida, a person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

- (a) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
- (b) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
- (c) Causes, provokes, threatens or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
- (d) Interferes with another's pursuit of a lawful occupation by acts of violence.
- (e) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by any law enforcement officer or other lawful authority known to be such,
- (f) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others.
- (g) Resists or obstructs the performance of duties by any law enforcement officer, when known to be such an officer,
- (h) Incites, attempts to incite or is involved in attempting to incite a riot.
- (i) Addresses abusive language or threats to any law enforcement officer or any other authorized public official who is engaged in the lawful performance of his duties, or to any other person, when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited,
- (j) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (k) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public

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peace is broken or disturbed or the traveling public annoyed; or in any way disturbs the public's tranquility in a manner inconsistent with the time or place of such incident.

(l) Fails to obey a lawful order to disperse by a law enforcement officer when known to be such an officer, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety is immediately threatened.

(m) Uses abusive or obscene language or makes an obscene gesture.

(n) Makes an offensive utterance, gesture or display in a manner that might reasonably lead to violence.

(4) **Penalty.** Any person, owner, agent, tenant, lessee or occupant, who shall violate any provision of this Ordinance, shall be prosecuted for a misdemeanor. Any person who is found guilty of any provisions of this Ordinance, by a court of competent jurisdiction, shall be punished by a fine of not less than \$50.00 and no more than \$500.00, or a sentence of not more than 60 days in the county jail, or by both such fine and imprisonment. However, imposition of such fines or jail sentences shall not prohibit or preclude such court from imposing civil or other penalties which would include, but not be limited to, picking up litter or performing other labor or services commensurate with the offense committed.

Disorderly conduct is an offense.

(5) **Exemptions.** This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

(6) **Effective Date.** This Ordinance shall take effect as provided by law.

This Ordinance was passed on this 10th day of November, 2005, by the Liberty County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
LIBERTY COUNTY, FLORIDA


JOHN T. SANDERS,
CHAIRMAN

ATTEST:


ROBERT HILL
CLERK OF COURT